

The CASE of John Burke, Second Son to William, late Earl of Clanricard, and of his Six Sons; Humbly Offered to the Consideration of the Honourable the House of Commons.

William, late Earl of *Clanricard*, long before the late Troubles in *Ireland*, did settle and limit part of his Estate to the said *John Burke* for Life, Remainder Intail Male to his eldest and every other Son successively.

The said *John Burke* was a Collonel in the *Irish* Army, and taken Prisoner at the Battel of *Aghrim*, yet, on the Treaty for the Surrender of *Gallway*, on Application made by the now Earl of *Clanricard*, (the said *John Burke*'s Brother) then Constable and Commander in chief in the said Town, (and by the rest of the Garrison) the Earl of *Athlone*, then His Majesty's General there, did promise, that the said *John Burke* should have the Benefit of the Capitulations then to be made for the said Town, and should enjoy his Estate; and the said *John Burke*'s Regiment being then Garrison'd in the said Town, in his Favor an express Article was inserted in the said Capitulations, That all absent Officers belonging to any Regiment then in *Gallway* should enjoy the Benefit of the said Capitulations, in case they submitted to his Majesty's Government; and Assurances were given by the Earl of *Athlone*, that notwithstanding the said *John Burke* was then a Prisoner of War, yet he should have the Benefit promised to absent Officers; on Notice whereof the said *John Burke* obtained his Enlargement, took the Oath of Allegiance, and ever since continued very Dutiful to his Majesty's Government.

This notwithstanding, the said *John Burke* could obtain no Adjudication, by Virtue of the said Articles, for that the Commissioners for hearing of Claims were by their Commission, and by an Act of Parliament passed in *Ireland*, so restrained to the very Letter of the said Articles, that they could not allow him the Benefit of the Earl of *Athlone*'s Promise.

The said *John Burke* being informed that his Estate was to be granted to one *Neale*, in Trust for the Right Honourable the Earl of *Albemarle*, he came for *England*, apply'd himself to the said Earl; and as an Inducement for his waving to pass a Grant of the said Estate, and for recommending the said *John Burke* to His Majesty for a Grant of the same, proposed to Educate his Sons in the Protestant Religion, to sell his Estate to Protestants, and to give all further Demonstrations that should be required of his Willingness to contribute to the Establishment of a Protestant Interest in that part of the Country he lived in, and likewise proposed to pay 7500 *l.* to be received out of the Profits of the said Estate, as a Consideration for the said Earl's waving to pass his said Grant as aforesaid; to which, the said Earl having agreed on the aforesaid Terms, and His Majesty being informed how much the said *John Burke*'s Compliance in the Education of his Children would conduce to the Establishment of the Protestant Interest, and to the Peace and Safety of *Ireland*; and being satisfied of the Promise given by the Earl of *Athlone*, and having considered the many and great Services perform'd by the said *John Burke*'s Ancestors to the Crown of *England* since the first Conquest of *Ireland*, and that this was the first time that any of the Family was guilty of any Treason against

the Kings or Queens of *England*, was graciously pleased to consent that the said *John Burke* should be restored to his Estate, and for that end has sent his Royal Warrants into *Ireland* for pardoning the said *John Burke*, and for granting his Estate to some one in Trust for the Support of him and his Protestant Children; but no Grant or Pardon is yet passed, in regard that this Honourable House, before any Grant could pass, appointed Commissioners for Inspecting into the *Irish* Forfeitures, and out of respect to the Proceedings of this Honourable House, the said *John Burke* waved passing any Grant.

The said *John Burke* has a Wife, Six Sons, and Two Daughters; the two eldest of his Sons are bred in the Protestant Religion, and are now at School in *Eaton-Colledge*, and the rest of his Sons, as soon as of Years to be sent abroad, he intends to educate after the same manner; and for his and their Support, has nothing, if his Estate be now Disposed of, and he Deprived of His Majesty's intended Mercy and Favor.

The said *John Burke*'s Forfeiture is found by Inquisitions in the several Counties where the Estate lies, to be only for his Life, and that his Sons are in Remainder to the same.

In Pity therefore for the said Infants, who are the next Males to the Estate and Earldom of *Clanricard*, and who are to enjoy this Estate after their Father's Decease, and who in the mean time must want Bread and Education if the Estate be now Disposed of, and in regard to the said *John Burke*'s Right of being restored as aforesaid, 'tis humbly hoped that this Honourable House will exempt the said Estate from the Dispositions intended by the Bill relating to the *Irish* Forfeitures, and will either restore the said *John Burke* to the same, or leave him to pass a Grant pursuant to the said Warrant, as to this Honourable House shall seem most proper; and this the rather, for that in former Acts of Resumption, Grants to the Parties forfeiting were taken to be in the Nature of Restitutions, and therefore always exempted; and tho' the said *John Burke*'s Grant is not actually passed, yet since the passing was waved out of respect to this Honourable House, 'tis humbly hoped the same will not turn to his Prejudice.

And whereas the Honourable the *Irish* Commissioners have reported, That it would be much for the Protestant Interest, if the said Estate were Leased to Protestants, the said *John Burke* is willing to Lease the same accordingly.

And lest the Disappointments the said *John Burke* met in the Ways proposed for his Restitution to his said Estate, as the Honourable the *Irish* Commissioners have reported, should blemish his present Application, he humbly craves Leave to inform this Honourable House, That the said Disappointments did not happen out of any Prejudice to the said *John Burke*, (whose Case and Condition all People allow to deserve Compassion,) but by Reason of Objections some conceived against the manner proposed for his Relief.